



PTO/SB/21 (09-04) (AW 10/2004)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|----------------------|-------------------|
| Application Number | 08/461,402 |
| Filing Date | 06/05/1995 |
| First Named Inventor | Andrew Cragg |
| Art Unit | 3731 |
| Examiner Name | Michael H. Thaler |
| Attorney Docket No. | BSI-F140US |

ENCLOSURES (Check all that apply)

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 7 pg. PTO/SB/08a-08b; 35 references; BPAI Decision; Memorandum Opinion and Final Judgement U.S. District Court, District of Columbia; Opinion U.S. Court of Appeals for the Federal Circuit; Credit Card Payment Form; post card receipt |
|---|--|---|

Remarks:**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

| | | | |
|--------------|-----------------|------------------|--------|
| Firm Name | RatnerPrestia | | |
| Signature | | | |
| Printed Name | Joshua L. Cohen | | |
| Date | 10/16/08 | Registration No. | 38,040 |

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|---------------|------|----------|
| Signature | | | |
| Typed or Printed Name | Denise Morgan | Date | 10/16/08 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/04.

Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

180.00

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 08/461,402 |
| Filing Date | 06/05/1995 |
| First Named Inventor | Andrew Cragg |
| Examiner Name | Michael H. Thaler |
| Art Unit | 3731 |
| Attorney Docket No. | BSI-140US |

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

| | |
|---|--|
| <input type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 330 | 165 | 540 | 270 | 220 | 110 | _____ |
| Design | 220 | 110 | 100 | 50 | 140 | 70 | _____ |
| Plant | 220 | 110 | 330 | 165 | 170 | 85 | _____ |
| Reissue | 330 | 165 | 540 | 270 | 650 | 325 | _____ |
| Provisional | 220 | 110 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES**Fee Description**

| | Small Entity | |
|--|--------------|----------|
| | Fee (\$) | Fee (\$) |
| Each claim over 20 (including Reissues) | 52 | 26 |
| Each independent claim over 3 (including Reissues) | 220 | 110 |
| Multiple dependent claims | 390 | 195 |

| | | | | | | |
|---|---------------------|-----------------|----------------------|----------------------------------|-----------------|----------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
| _____ - 20 or HP = _____ | x _____ | = _____ | | _____ | _____ | _____ |
| HP = highest number of total claims paid for, if greater than 20 | | | | | | |
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | | | |
| _____ - 3 or HP = _____ | x _____ | = _____ | | | | |
| HP = highest number of independent claims paid for, if greater than 3 | | | | | | |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| _____ - 100 = _____ | / 50 = _____ | (round up to a whole number) x _____ | = _____ | _____ |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Submission of IDS**Fees Paid (\$)**

180.00

SUBMITTED BY**Complete (if applicable)**

| | | | | |
|-----------------------------------|---------------------------------|--------|-----------|--------------|
| Signature <u>Joshua L. Cohen</u> | Registration No. Attorney/Agent | 38,040 | Telephone | 610-407-0700 |
| Name (Print/Type) Joshua L. Cohen | | | Date | 10/16/2008 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2008**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180.00**Complete if Known**

| | |
|----------------------|-------------------|
| Application Number | 08/461,402 |
| Filing Date | 06/05/1995 |
| First Named Inventor | Andrew Cragg |
| Examiner Name | Michael H. Thaler |
| Art Unit | 3731 |
| Attorney Docket No. | BSI-140US |

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayment of fee(s) ☒ Credit any overpayments
under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 330 | 165 | 540 | 270 | 220 | 110 | _____ |
| Design | 220 | 110 | 100 | 50 | 140 | 70 | _____ |
| Plant | 220 | 110 | 330 | 165 | 170 | 85 | _____ |
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| Provisional | 220 | 110 | 0 | 0 | 0 | 0 | _____ |

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| Fee Description | Small Entity Fee (\$) | Fee (\$) |
|--|-----------------------|----------|
| Each claim over 20 (including Reissues) | 52 | 26 |
| Each independent claim over 3 (including Reissues) | 220 | 110 |
| Multiple dependent claims | 390 | 195 |

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|----------|---------------|---------------------------|----------|---------------|
|--------------|--------------|----------|---------------|---------------------------|----------|---------------|

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|
|---------------|--------------|----------|---------------|

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

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| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------------|--|-----------------|---------------|
| _____ - 100 = _____ | _____ / 50 = _____ | _____ (round up to a whole number) | x _____ = _____ | _____ |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Submission of IDS**Fees Paid (\$)**

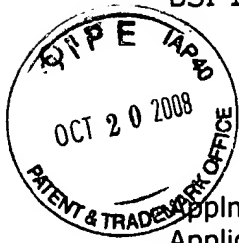
180.00

SUBMITTED BY**Complete (if applicable)**

| | | | | |
|-----------------------------------|---------------------------------|--------|-----------|--------------|
| Signature <u>Joshua L. Cohen</u> | Registration No. Attorney/Agent | 38,040 | Telephone | 610-407-0700 |
| Name (Print/Type) Joshua L. Cohen | | | Date | 10/16/2008 |

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If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 08/461,402
Applicant: Andrew Cragg
Filed: 06/05/1995
Title: BIFURCATED ENDOLUMINAL PROSTHESIS
TC/A.U.: 3731
Examiner: Michael H. Thaler

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO/SB/08a and PTO/SB/08b forms submitted herewith.

Pursuant to 37 CFR 1.98(a)(2), a copy of the following references are enclosed:

CA 2,086,333
CA 2,158,373
CA 2 144 305 C
EP 0 346 564 A1
EP 0 357 003 A2
EP 0 466 518
EP 565 251 A1
EP 0 645 125
GB 1205743
GB 1491202
GB 2269104
FR 1602513
JP H02-167178
JP 2-68052
JP H03-133446
JP 4-500328
JP H05-305092
JP H05-509008
JP H06-23031
JP H06-7454
WO 83/03752
WO 90/15582
WO 91/17789

10/20/2008 HBELETE2 00000037 00461402

01 FC:1806

180.00 0P

WO 92/06734
WO 97/09008
WO 98/27895

Notice of Opposition by Scimed Life Sciences, Inc. to European Patent No. 0 676 937 B

Opposition by William Cook Aps to European Patent No. 0 676 937 B

Verlag, "Interventional Radiology," pp. 692-699 (1990)

Yoshioka et al., "Self-Expanding Endovascular Graft: An Experimental Study in Dogs,"
AJR 15: pp. 673-676 (1988)

U.S. App. 08/051,728

Official Action in Canadian Application No. 2,182,982, issued by the Canadian Intellectual
Property Office on March 30, 2006

Notice of Reasons of Rejection of Japan Patent Office Application No. HO6-104577 dated
May 15, 2007

Notice of Reasons of Rejection of Japan Patent Office Application No. HO6-104574 dated
May 15, 2007

Notice of Reasons of Rejection of Japan Patent Office Application No. H04-335171 dated
April 24, 2007

The remaining foreign references, publications and documents are not enclosed pursuant
to 37 C.F.R. 1.98(d) because they are believed to have been previously submitted in an
Information Disclosure Statement filed in U.S. Application No. 08/312,881, which is relied on
for an earlier effective filing date in the present application under 35 U.S.C. § 120.

Reference FR 1602513 is not in the English language. An English language translation of
FR 1602513 is attached to it.

The following references are not in the English language: JP HO2-167178, JP 2-68052,
JP HO3-133446, JP 4-500328, JP HO5-305092, JP HO5-509008, JP HO6-23031, and JP HO6-
7454. According to the Japanese Patent Office, EP 0 346 564 (provided herewith) corresponds
to JP HO2-167178; EP 0 357 003 (provided herewith) corresponds to JP 2-68052 ; EP 0 423
916A1 (previously submitted in this application) corresponds to JP HO3-133446; WO 90/15582
(provided herewith) corresponds to JP 4-500328; EP 0 539 237 (previously submitted in this
application) corresponds to JP HO5-305092; WO 91/17789 (provided herewith) corresponds to
JP HO5-509008; EP 0 508 473 (previously submitted in this application) corresponds to JP HO6-

23031; and EP 0 565 251 (provided herewith) corresponds to JP HO6-7454. An English language Abstract is also attached to each of these references.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, their submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

Table 1, below, identifies those references that are listed on the presently submitted PTO/SB/08a/08b, that have not been submitted previously in this application, and that have been applied by the USPTO or a foreign patent office in a related application (by virtue of a common priority claim).

Table 1.

| Document Number | Date | Name |
|------------------------|-------------|----------------------|
| 3,357,432 | 12/12/1967 | C.H. Sparks |
| 3,657,744 | 04/25/1972 | Ersek |
| 4,545,082 | 10/08/1985 | Hood |
| 5,236,447 | 08/17/1993 | Kubo et al. |
| 5,354,308 | 10/11/1994 | Simon et al. |
| 5,364,354 | 11/15/1994 | Walker et al. |
| 5,429,144 | 07/04/1995 | Wilk |
| 5,443,497 | 08/22/1995 | Venbrux |
| 5,489,295 | 02/06/1996 | Piplani et al. |
| 5,507,769 | 04/16/1996 | Marin et al. |
| 5,562,726 | 10/08/1996 | Chuter |
| 5,562,728 | 10/08/1996 | Lazarus et al. |
| 5,571,170 | 11/05/1996 | Palmaz et al. |
| 5,639,278 | 06/17/1997 | Dereume et al. |
| 5,645,559 | 07/08/1997 | Hachtman et al. |
| 5,653,743 | 08/05/1997 | Martin |
| 5,683,448 | 11/04/1997 | Cragg |
| 5,725,572 | 03/10/1998 | Lam |
| 5,741,325 | 04/21/1998 | Chaikof et al. |
| 5,800,456 | 09/01/1998 | Maeda et al. |
| 5,824,039 | 10/20/1998 | Piplani et al. |
| 5,997,573 | 12/07/1999 | Quijano et al. |
| 6,613,073 | 09/02/2003 | White et al. |
| CA 2,086,333 | 04/25/1991 | Schneider (USA) Inc. |

| | | |
|-----------------|------------|---------------------------------|
| CA 2,158,373 | 10/27/1994 | Pharmacyclics, Inc. |
| CA 2 144 305 C | 02/02/1995 | Cook Incorporated |
| EP 0 346 564 A1 | 12/20/1989 | Medtronic, Inc. |
| EP 0 466 518 | 01/15/1992 | Endovascular Tech. Inc. |
| EP 565 251 A1 | 10/13/1993 | Cook Inc. |
| GB 2269104 | 02/02/1994 | Taha R. Lazim |
| JP H02-167178 | 06/27/1990 | Medtronic, Inc. |
| JP H05-305092 | 11/19/1993 | Cook Inc. |
| JP H05-509008 | 12/16/1993 | Richard Stack |
| JP H06-23031 | 02/01/1994 | Endovascular Technologies, Inc. |
| JP H06-7454 | 01/18/1994 | Cook Incorporated |
| WO 91/17789 | 11/28/1991 | Richard Stack |
| WO 92/06734 | 04/30/1992 | Ho Young Song |

Table 2, below, identifies all references, including previously submitted references and references submitted herewith, that have been applied by the USPTO or a foreign patent office in an application related to the subject application (by virtue of a common priority claim). Thus, Table 2 includes among its identified references those previously listed above in Table 1.

Table 2.

| Document Number | Date | Name |
|------------------------|-------------|---------------|
| 3,357,432 | 12/12/1967 | C.H. Sparks |
| 3,657,744 | 04/25/1972 | Ersek |
| 4,140,126 | 02/20/1979 | Choudhury |
| 4,545,082 | 10/08/1985 | Hood |
| 4,562,596 | 01/07/1986 | Kornberg |
| 4,994,071 | 02/19/1991 | MacGregor |
| 5,064,435 | 11/12/1991 | Porter |
| 5,104,404 | 04/14/1992 | Wolff |
| 5,135,536 | 08/04/1992 | Hillstead |
| 5,236,447 | 08/17/1993 | Kubo et al. |
| 5,304,200 | 04/19/1994 | Spaulding |
| 5,314,472 | 05/24/1994 | Fontaine |
| 5,354,308 | 10/11/1994 | Simon et al. |
| 5,354,309 | 10/11/1994 | Schnepp-Pesch |
| 5,360,443 | 11/01/1994 | Barone |
| 5,364,354 | 11/15/1994 | Walker et al. |

| Document Number | Date | Name |
|------------------------|-------------|--------------------------|
| 5,366,504 | 11/22/1994 | Anderson et al. |
| 5,370,683 | 12/06/1994 | Fontaine |
| 5,387,235 | 02/07/1995 | Chuter |
| 5,389,106 | 02/14/1995 | Tower |
| 5,397,345 | 03/14/1995 | Lazarus et al. |
| 5,405,377 | 04/11/1995 | Cragg |
| 5,429,144 | 07/04/1995 | Wilk |
| 5,443,496 | 08/22/1995 | Schwartz et al. |
| 5,443,497 | 08/22/1995 | Venbrux |
| 5,464,449 | 11/07/1995 | Ryan et al. |
| 5,489,295 | 02/06/1996 | Piplani et al. |
| 5,507,769 | 04/16/1996 | Marin et al. |
| 5,562,724 | 10/08/1996 | Vorwerk et al. |
| 5,562,726 | 10/08/1996 | Chuter |
| 5,562,728 | 10/08/1996 | Lazarus et al. |
| 5,571,170 | 11/05/1996 | Palmaz et al. |
| 5,575,817 | 11/19/1996 | Martin |
| 5,639,278 | 06/17/1997 | Dereume et al. |
| 5,645,559 | 07/08/1997 | Hachtman et al. |
| 5,653,743 | 08/05/1997 | Martin |
| 5,683,448 | 11/04/1997 | Cragg |
| 5,725,572 | 03/10/1998 | Lam |
| 5,741,325 | 04/21/1998 | Chaikof et al. |
| 5,800,456 | 09/01/1998 | Maeda et al. |
| 5,824,039 | 10/20/1998 | Piplani et al. |
| 5,871,536 | 02/16/1999 | Lazarus |
| 5,997,573 | 12/07/1999 | Quijano et al. |
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| CA 2,086,333 | 04/25/1991 | Schneider (USA) Inc. |
| CA 2,158,373 | 10/27/1994 | Pharmacyclics, Inc. |
| CA 2 144 305 C | 02/02/1995 | Cook Incorporated |
| EP 0 346 564 | 12/20/1989 | Medtronic, Inc. |
| EP 0 466 518 | 01/15/1992 | Endovascular Tech. Inc. |
| EP 0 480 667 | 04/15/1992 | Cook Incorporated |
| EP 0 481 365 | 06/22/1994 | Schnepp-Pesch |
| EP 0 536 164 | 04/14/1993 | Schneider (USA) Inc. |
| EP 0 539 237 | 4/28/1993 | Celsa LG Societe Anonyme |
| EP 0 540 290 | 05/05/1993 | Advanced Cardiovascular |

| Document Number | Date | Name |
|------------------------|-------------|---------------------------------|
| | | Systems, Inc. |
| EP 0 556 850 | 08/25/1993 | Endotech, LTD. |
| EP 0 565 251 | 10/13/1993 | Cook Inc. |
| GB 2 269 104 | 02/02/1994 | Taha R. Lazim |
| FR 2678508 | 01/08/1993 | Celsa LG Societe Anonyme |
| DE 4 303 181 | 08/11/1994 | Angiomed AG(DE) |
| JP H02-167178 | 06/27/1990 | Medtronic, Inc. |
| JP 4-25755 | | |
| JP H05-305092 | 11/19/1993 | Cook Inc. |
| JP H05-509008 | 12/16/1993 | Richard Stack |
| JP H06-23031 | 02/01/1994 | Endovascular Technologies, Inc. |
| JP H06-7454 | 01/18/1994 | Cook Incorporated |
| WO 91/17789 | 11/28/1991 | Richard Stack |
| WO 92/00043 | 01/09/1992 | Schneider (USA) Inc. |
| WO 92/06734 | 04/30/1992 | Ho Young Song |
| WO 93/13825 | 07/22/1993 | Munehiro Maeda et al. |

Applicants would also like to direct the Examiner's attention to the related applications and patents listed in Table 3, below. In light of the proscription against double patenting, the contents of these applications and patents may be "material" to the Examiner's consideration.

Table 3.

| Application | Date Filed | Patent No. or Publication No. | Applicant(s) Name |
|--------------------|-------------------|--------------------------------------|--------------------------|
| 08/312,881 | 9/27/1994 | pending | Goicoechea et al. |
| 08/315,763 | 10/4/94 | 5,609,627 | Goicoechea et al. |
| 08/461,513 | 6/5/1995 | 5,716,365 | Goicoechea et al. |
| 08/461,514 | 6/5/1995 | 5,693,086 | Goicoechea et al. |
| 08/462,272 | 6/5/1995 | 5,776,180 | Goicoechea et al. |
| 08/463,981 | 6/5/1995 | 5,800,508 | Goicoechea et al. |
| 08/463,987 | 6/5/1995 | pending | Goicoechea et al. |
| 08/463,991 | 6/5/1995 | 5,718,724 | Goicoechea et al. |
| 08/465,653 | 6/5/1995 | 5,683,450 | Goicoechea et al. |
| 08/662,484 | 6/13/1996 | 5,916,263 | Goicoechea et al. |
| 08/960,282 | 10/29/1997 | 6,051,020 | Goicoechea et al. |

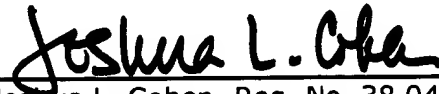
| <i>Application</i> | <i>Date Filed</i> | <i>Patent No. or Publication No.</i> | <i>Applicant(s) Name</i> |
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Finally, with respect to Applicants' claim of priority, Applicants would like to direct the Examiner's attention to the decision of the Board of Patent Appeals and Interferences (BPAI), dated July 27, 2001, in Interference No. 104,192; the Memorandum Opinion and Final Judgment of the United States District Court for the District of Columbia dated March 31, 2006 (Civil Action No. 01 CV 2015); and the Opinion of the U.S. Court of Appeals for the Federal Circuit in No. 2006-1434 dated August 8, 2007. Copies of the BPAI decision, the Memorandum Opinion, the Final Judgment, and the Federal Circuit Opinion are attached.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

More than three months have elapsed since the filing of the above-referenced application and a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, the required fee set forth in 37 C.F.R. § 1.17(p) is provided herewith.

Respectfully submitted,



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Stanley Weinberg, Reg. No. 25,276

Enclosures: PTO Forms SB/08a and SB/08b

Transmittal Form

35 References

BPAI Decision, Interference No. 104,192

Memorandum Opinion and Final Judgment U.S. District Court, District of Columbia,
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Dated: October 16, 2008

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 16, 2008

